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In the

Supreme Court of the United States

October Term, [redacted] 1970

No. [redacted] 170

LOUIS WEINER, d/b/a LOUIS WEINER REAL ESTATE CO., and ROBERT L. SOLOMON,

Appellants,

vs.

STATE REAL ESTATE COMMISSION OF THE STATE OF NEBRASKA,

Appellee.

On Appeal From the Supreme Court of the State of Nebraska

JURISDICTIONAL STATEMENT

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May, 1970.

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JURISDICTIONAL STATEMENT

Appellants appeal from a judgment of the Nebraska Supreme Court affirming an Order of the appellee revoking appellant Weiner's real estate broker's license and appellant Solomon's real estate salesman's license. A timely motion for rehearing was overruled and rehearing denied by the Court below. Appellants submit this statement to show that this Court has jurisdiction of this appeal and that substantial questions are presented:

OPINION BELOW

The opinion below is reported at 184 Neb. 752, 171 N. W. 2d 783, and is set out in full as an appendix hereto (Appendix, pp. 1a-4a). Also appended therewith is a copy of the judgment appealed from (p. 4a) and a copy of the order denying rehearing (p. 5a).

JURISDICTION

The appellee Commission, proceeding under Section 81-881 of the Nebraska Statutes, found appellants guilty of unfair trade practices and revoked their real estate licenses. Review *de novo* was had in the trial court and in the Supreme Court of Nebraska. The judgment of the Nebraska Supreme Court was dated and entered on November 7, 1969. Motion for rehearing was denied on January 6, 1970. Notice of appeal to this Court was filed in that Court on March 23, 1970.

The jurisdiction of this Court is invoked under 28 U. S. C., Section 1257(2). The following cases are believed to sustain the jurisdiction of this Court. *Konigsberg v. State Bar of California*, 353 U. S. 252; *Gillespie v. State Real Estate Commission*, 172 Neb. 308, 109 N. W. 2d 305; *Cramp v. Board of Public Instruction of Orange County*, 368 U. S. 278; *Stromberg v. California*, 283 U. S. 359; *Connally v. General Construction Co.*, 269 U. S. 385; *Home Telephone and Telegraph Co. v. City of Los Angeles*, 227 U. S. 278; *Saunders v. Shaw*, 244 U. S. 317; *Brinkerhoff-Faris Co. v. Hill*, 281 U. S. 673, and *Cole v. Arkansas*, 333 U. S. 196.

The Statute of Nebraska, the validity of which is involved, is officially cited as Section 81-881, Revised Statutes of Nebraska, 1943 (Reissue of 1966) and is set forth verbatim as follows:

> 81-881. *Real Estate Commission; unfair practices, defined.* The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any real estate broker or any real estate salesman and shall have the power to revoke or suspend any license, issued under sections 81-862 to 81-887, whenever the broker or salesman has been found guilty of any of the following unfair trade practices: (1) Refusing, because of race, color, national origin or ethnic group, to show, sell, rent, or lease any real estate for sale or rent on behalf of a principal, where such principal has not so restricted or limited prospective purchasers, renters, or lessors; (2) intentionally advertising, whether printed or by radio, display or other nature, which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies or services of the business conducted; (3) failing to account for and remit any money coming into his possession belonging to others; (4) accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal; (5) acting in a dual capacity of broker and undisclosed principal in any transaction; (6) guaranteeing or authorizing or permitting any person to guarantee future profits which may result from the resale of real property; (7) placing a sign on any property offering it for sale or rent without the written consent of the owner or his authorized agent; (8) offering real property for sale or lease without the knowledge and consent of the owner or his authorized agent or on any terms other than those authorized by the owner or his author-